REMARKS

Claims 1-16 are pending. Claims 1, 9, 10, and 15 are amended. The remaining claims are unchanged.

The claim amendments are supported by the application as originally filed, for example, in paragraphs 1174 and 1175. No new matter has been added.

Claim Rejections -- 35 U.S.C. § 132

The claims were rejected under the new matter prohibition of 35 U.S.C. § 132 as referring to the "application level." Applicant respectfully disagrees. It is clear from the application as originally filed that the invention is applicable to systems and networks facilitating the routing of messages between applications, e.g., at the application level. Nonetheless, to expedite prosecution, the claims have been amended without prejudice or disclaimer to remove the language at issue. Other novel features recited in the claims provide a basis for patentability, as explained below.

Claim Rejections -- 35 U.S.C. § 112

The claims were also rejected under 35 U.S.C. § 112, again for referring to the "application level." While Applicant disagrees with this rejection, for the same reasons as it disagrees with the 35 U.S.C. § 132 rejection, the claims have been amended without prejudice or disclaimer to remove the language at issue, to expedite prosecution. Again, other novel features recited in the claims provide a basis for patentability, as explained below.

Claim Rejections – 35 U.S.C. § 101

Claims 9, 10-14, and 15-16 were rejected under 35 U.S.C. § 101 as unpatentable subject matter. The Office Action asserts that "software per se" is unpatentable subject matter, and attempts to categorize claims 9, 10-14, and 15-16 as software. However, none of the rejected claims even mention "software."

While Applicant agrees that the claims should be given their broadest reasonable interpretation in view of the cited art, the Examiner has gone far beyond claim interpretation and essentially re-written the various claims as "software" claims. In other words, to argue that the Applicant is claiming software, one must remove the term "product" from the preamble of claim 9 and replace it with "software," and similarly replace the terms "system" in claims 10-14, and "method" in claims 15-16. There is no legal basis for such an interpretation, and the Applicant objects to this attempted re-writing of its claims.

The patentability of software per se has been the subject of scholarly debate at various times. At present, there is no statutory or common law basis for the sweeping proposition that "software per se" is unpatentable. Numerous software-related U.S. patents have issued and continue to issue, many claiming "computer program products," "systems," "methods," and other various apparatus.

Nonetheless, one does not need to reach that question with the present claims. Claim 9 plainly recites a "computer program product." 35 U.S.C. § 101 protects both products and processes. Patentable products include a "machine, manufacture, or composition of matter," as specified in § 101. For example, a memory device or storage medium such as a CD-ROM storing computer-readable program code is a product, which can be further categorized as a "manufacture" or possibly "composition of matter" under § 101.

The rejections of claims 10-14, and claims 15-16, are similarly misplaced. Claim 10 plainly defines a "system," and claim 15 plainly claims a "method." Systems and methods constitute patentable subject matter.

In the spirit of cooperation, Applicant's Attorney requests that the Examiner contact him at the number below if there are further objections/rejections regarding the subject matter of claims 9-16 and their classifications under 35 U.S.C. § 101.

Claim Rejections – 35 U.S.C. § 102

Claims 9-14 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,704,768 to Zombek et al. (hereinafter Zombek). The Applicant respectfully traverses the rejection for the following reasons.

Claim 9 has been amended to recite:

> computer-readable program code for causing a computer to receive, from a second service, a message including said identifier, *said message being directed to a mapped service, wherein said mapped service is an entity account-specific representation of said first service and acts as a proxy for said first service with said second service, including hiding the identity of the second service from the first service.*

(Emphasis added).

Zombek fails to disclose or suggest the above-quoted features of claim 9. The message routers (MRs) described in Zombek are not account-specific representations of a service, nor do they act as proxies for services. Instead, Zombek describes a conventional router that forwards messages to various network devices, irrespective of the existence, or identity, of particular sending and receiving services.

In claim 9, on the other hand, the mapped service acts as a proxy for a service. For example, in one embodiment described in the application as originally filed, "Note that the

message as delivered to the second ASP hides the identity of the first ASP. In effect, message interchange network 150 effects a virtual proxy service in mapping between services. ..." (paragraph 1175).

There is no teaching in Zombek of an MR acting as a proxy in the manner recited in claim 9. Zombek's MRs do not interact with end-point services. The MRs simply route messages between components according to the TCP/IP protocol. There is no passage in Zombek that discloses or suggests that the MR "is an entity account-specific representation of said first service and acts as a proxy for said first service with said second service," as recited in claim 9, nor does Zombek even remotely suggest that the MR perform an action corresponding to "hiding the second service from the first service," as recited in claim 9.

Because Zombek fails to disclose or suggest one or more features of claim 9, including "said message being directed to a mapped service, wherein said mapped service is an entity account-specific representation of said first service and acts as a proxy for said first service with said second service, including hiding the identity of the second service from the first service," Zombek does not anticipate claim 9. This rejection should be withdrawn.

Claim 10 has been amended to recite similar features as claim 9 and is, therefore, patentable for similar reasons as claim 9. Claims 11-14 all depend from claim 10 and are, therefore, patentable for at least the same reasons as claim 10. The rejections of these claims should be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as obvious in view of Zombek and Shiozawa, US Patent App Pub 20010005358 (hereinafter Shiozawa) and Official Notice. The Applicant respectfully traverses the rejection for the following reasons.

Claim 1 has been amended to recite similar features as claim 9 and is, therefore, neither anticipated by nor obvious in view of Zombek for similar reasons as described above. Among other gaps in Zombek's teachings, Zombek fails to disclose or suggest features such as "receiving, from a second service, a message including said identifier, said message being directed to a mapped service, wherein said mapped service is an entity account-specific representation of said first service and acts as a proxy for said first service, including hiding the identity of the second service from the first service," as recited in claim 1.

Shiozawa and the Official Notice fail to cure Zombek in this regard. Shiozawa's described packet protection techniques include no mention of a mapped service or similar entity that serves as an account-specific representation of a service, or acts as a proxy for a service. The packet distributor 257, for example, is simply described as distributing the packet 210 for a route determined according to route information 325. The Official Notice has to do with attachments to messages, and does not address services acting as an account-specific representation of a service, or acting as a proxy for a service.

Because Shiozawa and the Official Notice fail to describe the above-quoted features of claim 1, the cited references fail to support the obviousness rejection, even assuming they could be combined with Zombek. Applicant reserves the right to later address the propriety of this combination under 35 U.S.C. § 103(a), if necessary.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0243574 to Giroux et al (hereinafter Giroux) in view of U.S. Patent No. 6,925,488 to Bantz et al (hereinafter Bantz). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Giroux and Bantz in view of Zombek. The Applicant respectfully traverses the rejections for the following reasons.

The Examiner acknowledges that nothing in Giroux mentions a "proxy service being provided by the message routing network and enabling said first application service provider to

send information on behalf of said enterprise to said second application service provider without said first application service provider and said second application service provider having knowledge of each other at any point in time," as recited in claim 15. Instead, the Examiner relies on Bantz as teaching this limitation. Bantz only teaches the routing of messages in a network based on message type. Bantz adds nothing more than the teachings of Zombek, with respect to claim 15. For instance, Bantz describes redirecting messages based on categories, (col. 6, line 56 – col. 7, line 25), but makes no mention of a "proxy service being provided by the message routing network and enabling said first application service provider to send information on behalf of said enterprise to said second application service provider without said first application service provider and said second application service provider having knowledge of each other at any point in time," as recited in claim 15. For at least this reason, the rejection of claim 15 under 35 U.S.C. § 103(a) is unsupported by the cited art and should be withdrawn.
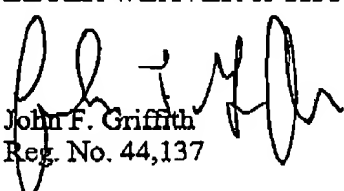
Claim 16 depends from claim 15, and is therefore neither anticipated nor obvious for at least the reasons discussed above with respect to claim 15. Zombek does not cure the deficiencies of the Giroux/Bantz combination, as discussed above. Thus, it is respectfully submitted that the rejection of claim 16 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The Applicant believes that all pending claims are allowable and respectfully request a

Notice of Allowance for this application from the Examiner. Should the Examiner believe that a

telephone conference would expedite the prosecution of this application, the undersigned can be

reached at the telephone number set out below.

Respectfully submitted,
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